



**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**ORIGINAL**  
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APR 14 2004

2004 APR 14 P 2:53

LOUIS TAKACS, on behalf of himself  
And others similarly situated,

Plaintiffs,

Case No.  
CV-S-03-1550  
RLH-LRL

v.

JOSHUA MICHAELY and PRESTIGE OF  
LAS VEGAS, INC.,

Defendants.

**ANSWER TO AMENDED COMPLAINT**

COMES NOW, Defendants Joshua Michaely and Prestige of Las Vegas, Inc., by  
and through their counsel Mark Coburn, and hereby file this, their Answer to Plaintiffs'  
Amended Complaint as follows:

1.

Answering Paragraphs 1 and 2 of Plaintiffs' Complaint, answering Defendants  
state that they are without sufficient knowledge or information necessary to form a belief  
as to the truth or falsity of said allegations, and therefore deny same.

2.

Answering Paragraph 3 of Plaintiffs' Complaint, answering Defendants deny said  
allegation.

3.

Answering Paragraphs 4 of Plaintiffs' Complaint, Defendants hereby admit said  
allegations.

4.

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Answering Paragraphs 5 and 6 of Plaintiffs' Complaint, answering Defendants deny said allegations.

5.

Answering Paragraph 7 of Plaintiff's Complaint, answering Defendants admit said allegation.

6.

Answering Paragraph 8 of Plaintiff's Complaint, answering Defendants deny said allegation.

7.

Answering Paragraphs 9 of Plaintiffs' Complaint, answering Defendants admit said allegations.

8.

Answering Paragraph 10 through 22 of Plaintiffs' Complaint, answering Defendants deny said allegations.

9.

Answering Paragraph 23 through 26 of Plaintiff's Complaint, Defendants hereby admit said allegations.

10.

Answering Paragraph 27 through 37 of Plaintiff's Complaint, answering Defendants hereby deny said allegations.

Any Paragraph not herein specifically admitted is hereby denied.



**FIRST AFFIRMATIVE DEFENSE**

Defendants allege that the occurrences referred to in the Plaintiffs' Complaint, and all injuries and damages, if any, resulting there from, were caused by the acts or omissions of a third party over whom Defendants had no control.

**SECOND AFFIRMATIVE DEFENSE**

Plaintiffs' Complaint on file herein fails to state a claim against these Defendants upon which relief can be granted.

**THIRD AFFIRMATIVE DEFENSE**

Any harm or injury or claim of damage of Plaintiffs', or cause of action of Plaintiffs, as alleged or stated in Plaintiffs' Complaint, is barred by the doctrine of laches, as to all or part of the claim of Plaintiffs'.

**FOURTH AFFIRMATIVE DEFENSE**

Defendants allege that Plaintiff is estopped from pursuing any claim against Defendants.

**FIFTH AFFIRMATIVE DEFENSE**

The doctrine of unclean hands prevents any recovery by Plaintiffs herein.

**SIXTH AFFIRMATIVE DEFENSE**

The incidents alleged in the Complaint, and the resulting damage, if any, to Plaintiffs, was proximately caused or contributed to by the Plaintiffs' own actions and/or negligence, and such negligence was greater than the negligence, if any, of the Defendants.

**SEVENTH AFFIRMATIVE DEFENSE**

Plaintiff herein failed to mitigate his damages.



**EIGHTH AFFIRMATIVE DEFENSE**

All possible affirmative defenses may not have been alleged herein insofar as sufficient facts were not available after reasonable inquiry upon the filing of these answering Defendants' Answer, and therefore, these answering Defendants reserve the right to amend this Answer to allege additional Affirmative Defenses if subsequent investigation warrants.

WHEREFORE, Defendants pray for Judgment as follows:

1.

That Plaintiffs take nothing by virtue of this action and that same be dismissed with prejudice;


2.

That Defendants be awarded their reasonable attorney's fees and costs incurred in the defense of this action; and

3.

Such other and further relief as the Court deems just and proper.

DATED this 14<sup>th</sup> day of April, 2004.

BY:   
Mark Coburn, Esq.  
Nevada Bar No. 8032  
2722 Highland Drive  
Las Vegas, NV 89109  
(702) 732-9007





**VERIFICATION**

LOUIS TAKACS, on behalf of himself  
And others similarly situated,

Plaintiffs,

v.

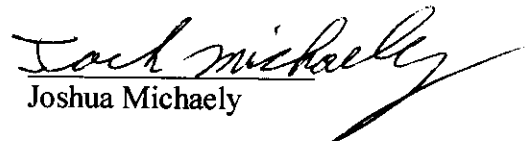
Case No.  
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RLH-LRL

JOSHUA MICHAELY and PRESTIGE OF  
LAS VEGAS, INC.,


Defendants.

JOSHUA MICHAELY, being first duly sworn, deposes and says: That he is a party in the above referenced matter and has read the Defendants' Answers to Plaintiff's Amended Complaint, and knows the contents thereof. I certify that the same is true of my own knowledge, except as to those matters which are therein stated only upon my information or belief, and as to such matters I believe them to be true.

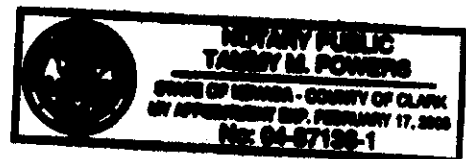
Executed this 14 day of April, 2004 Las Vegas, Nevada

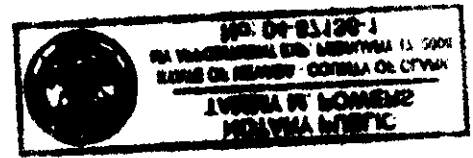
  
Joshua Michaely

SUSCRIBED and SWORN to before me this 14 day of April, 2004.

  
Notary Public  
State of Nevada

(SEAL)





**CERTIFICATE OF SERVICE**

I hereby certify that on April 14, 2004, I served a copy of the foregoing  
ANSWER TO FIRST AMENDED COMPLAINT by depositing a copy of same in a  
sealed envelope with first class postage attached thereto and addressed as follows:

Leon Greenberg, Esq.  
Law Offices of Leon Greenberg  
633 S. 4<sup>th</sup> Street  
Suite 9  
Las Vegas, NV 89010

By:

A handwritten signature in black ink, appearing to read 'Mark Coburn', is written over a horizontal line.

Mark Coburn, Esq.  
Attorney for Defendant Michaely  
And Prestige of Las Vegas

